

Message Text

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ACTION AF-10

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USMISSION GENEVA
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UNCLAS DURBAN 0492

EO 11652: NA
TAGS: PINS, SHUM, SF
SUBJ: THREE POLICEMEN, TWO WHITES AND A BLACK, HAVE BEEN
INDICTED IN MTUBATUBA, NATAL, FOR THE MURDER OF AN AFRICAN,
MR. PAULO CANE (22) WHO WAS IN POLICE CUSTODY IN JULY AT
THE TIME OF HIS DEATH. THE INDICTMENT WAS RETURNED BY THE
ATTORNEY GENERAL OF NATAL AFTER RECEIVING A REPORT FROM
A SPECIAL POLICE INVESTIGATIVE TEAM AND A MEDICAL FORENSIC
EXPERT WHO EXAMINED THE BODY. THE POLICEMEN WERE ALSO
CHARGED WITH ASSAULT TO COMMIT GRIEVOUS BODILY HARM ON
ANOTHER AFRICAN, THOMAS MAZOLO, A FRIEND OF CANE'S ARRESTED
WITH HIM ON THE SAME THEFT CHARGE. THE DEFENDANTS, CON-
STABLES DARELL GODWIN (20) DAVID ATHERSTONE (20) AND CHARLES
MTHETHWA (36) PLEADED NOT GUILTY BUT REFUSED TO OUTLINE
THEIR DEFENSE. THEY WERE RELEASED ON R200 BAIL FOR THE WHITES
AND R100 FOR THE BLACK WITH TRIAL TO BEGIN IN DURBAN
OCTOBER 16.

2. CANE AND MAZOLO WERE ARRESTED IN EARLY JUNE BY REGULAR
S.A. POLICE AND CHARGED WITH THEFT OF A FARMER'S TRUCK WORTH
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R10,000. THERE IS NO INDICATION THEY WERE CONSIDERED SECURITY
DETAINEES. LOCAL BLACK POLITICAL SOURCES HAD NEVER HEARD
OF THEM AND DO NOT BELIEVE THEY WERE POLITICALLY INVOLVED.

3. THE INDICTMENT STATED CANE DIED OF RENAL FAILURE CON-
SISTENT WITH ASSAULT. IT ALSO STATED CANE AND MAZOLO WERE
HUNG FROM WIRE TIED TO THEIR HANDCUFFS AND BEATEN WITH STICKS,

AND HUNG FROM A TREE BY A THONG TIED AROUND THEIR WRISTS.
CANE WAS ALSO ALLEGEDLY SUSPENDED FROM HIS NECK BY A THONG
AND REPEATEDLY JERKED UP AND DOWN WHILE BEING BEATEN.

4. THERE HAVE BEEN TWO PROMINENT INSTANCES IN NATAL IN RECENT
YEARS OF DETAINEES DYING WHILE IN POLICE DETENTION, THE
HAFFEJEE AND MDLULI CASES. BOTH WERE ALLEGED ANC MEMBERS
HELD BY THE SECURITY POLICE. IN THE FORMER CASE (77 DURBAN
526, 661 AND 78 DURBAN 185) THE INQUEST JUDGE FOUND HAFFEJEE'S
DEATH BY HANGING IN A CELL TO HAVE BEEN A SUICIDE AND REFUSED
TO INDICT ANY POLICE. IN THE MDLULI CASE (76 DURBAN 165
AND 561) FOUR SECURITY POLICEMEN WERE INDICTED, INCLUDING
A CAPTAIN AND A LIEUTENANT. THEIR TRIAL RESULTED IN AN
ACQUITTAL BUT THE JUDGE PUBLICLY EXPRESSED DOUBT ABOUT THE
EVIDENCE PRESENTED BY THE POLICE CHARGED WITH INVESTIGATING
THE CASE. A SUBSEQUENT INVESTIGATION OF THE CASE BY THE
ATTORNEY GENERAL OF NATAL CONFIRMED THE TRIAL JUDGE'S OPINION
THAT THERE WASN'T A "PRIME FACIE" CASE AGAINST THE ACCUSED.
THESE RESULTS WERE GREETED WITH SKEPTICISM IN LOCAL PRESS
AND WERE WIDELY REGARDED AS A COVER UP AMONG BLACKS.
FARBER

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